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HONOLULU, HAWAIIAN ISLANDS, SATURDAY, OCTOBER 24, 1896.

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Council of State Grants Full and Free Pardon.

APPLICATIONS WERE REFUSED.

The Portuguese Must Serve Their Short Sentences—Niemann of Company A Has a Set Back—Application Strongly Refused For Present—Matter Referred to Committee

The first meeting of the Council of State since the close of the Legislature met in the great hall at the Executive building yesterday at 3 p. m. The meeting was open to the public but beyond the press representatives there were but two persons present outside the councilmen; Messrs. Creighton and Jones.

On calling the roll the following members answered to their names: Cecil Brown, Nott, Ena, Robinson, Naone, Phillips, Winston, Bolte, G. W. Smith and Kane. This being the first session of the council at which Messrs. Naone and Brown, elected at the last session of the last session of the Legislature, President Dole administered the oath. Secretary Smith then read the minutes of the previous meeting. The minutes were approved and the president announced that the object of the meeting was to consider several petitions one of which related to the Portuguese who were convicted and sentenced for rioting some months ago. He added that the Portuguese Commissioner had told him that several of the men arrested were not guilty of the crime, but were arrested with the others. The president had told the commissioner that under these circumstances a petition might be received. This arrived shortly afterward, but was rather vague as to persons claiming to be innocent as it included all of the men arrested. For that reason the Executive decided to lay the matter before the Council of State for action. Secretary Smith, upon the request of the president, read the petition.

Minister Smith stated the case from the beginning when Trix Nelson, an ex-member of the Mounted Patrol, started the row. The combatants were advised to go home and they did, but afterwards they renewed hostilities. Nelson, he said, made his escape. The minister then gave a history of the case from the time it went to trial and of the attempt to secure a new trial in the Circuit Court on the strength of an affidavit from Judge Antonio Perry in which the latter gave his version of the fight and commented upon the indiscriminate manner in which arrests were made at that time and without the officers being able to see whether the men arrested were guilty of a violation of the law.

Minister Smith said he had not attended the trials, but that he had in his possession about 90 pages of type written testimony of the trial in the Circuit Court. He had requested E. P. Dole to review the testimony in order to refresh his memory and then give him his impressions. The result of the review was that he was convinced that two of the men were more guilty of the crime in so far as they seemed to be leaders. At the time of the jury's deliberations a discussion arose as to whether one or all to be convicted and others discharged. Through a misunderstanding of instructions the jury returned a verdict of guilty in each case.

As to the hardship, Minister Smith said there was no greater hardship in this case than in any other; it was a hardship for any man to have to go to prison. On behalf of the petitioners it might be said the law has been vindicated by their conviction. Owing to the recommendation of the jury the sentence was made light, though it might be considered severe.

Mr. Brown quoted the law and said that he would like to know what was wanted a reprieve or a pardon. If it was for a pardon he would say no. They had been tried and convicted and if the jury had not believed them guilty they would have been allowed to go

free. If the council was to take this action the council might just as well do away with juries. If the council grant a reprieve to those who were not believed to be ringleaders that is another thing. Judge Perry's affidavit is to the effect that he found 200 Portuguese nearly all of whom were armed with pickets. To pardon men who had been convicted of a crime and pardoned before serving a day was establishing a bad precedent.

Mr. Winston stated that he had talked with a jurymen who gave it as his opinion that three of the petitioners were not guilty, but they had returned that verdict because they were so instructed.

Mr. Brown—That has been denied. Mr. Winston—Well, he told me so today.

Mr. Brown—Mr. President, in order that this matter may be decided, I move that it is the sense of the council that the petition be denied.

Mr. Smith—I would say further that after the trial in the District Court a warrant was taken out against two of the officers for perjury and both cases were nolle prossed. Later three warrants were taken out against the men for assault and these pursued the same course. This action was taken because the other case was still pending. Mr. Brown's motion to refuse was seconded by Mr. Ena. The motion was carried by a vote of 6 to 4.

President Dole then announced that there was another case that of Niemman, charged with shooting Jack Fry, while under the influence of liquor. Secretary Smith read the petition which was largely signed, nearly two hundred persons, having agreed to the discharge; among them C. Bolte.

President Dole said it was undesirable for a member of the council to sign a petition to the council. To save time the petition was handed to the members to read over.

Minister Smith stated the case saying that Fry had pleaded for his friends saying that the shooting was as much his fault as Niemman's. The minister thought that while the father had always been a hard working man and though his wife was in delicate health he thought that in view of the short term inflicted and so little of the term served that the matter should be handed to a committee.

Minister Cooper was not aware that the petition was to be presented. He would suggest that the petition be returned to the Prison Commissioners and let them decide; it was within their province to recommend or decline.

Mr. Phillips—If this man had not been a volunteer the petition would never have been presented. With the Portuguese it was different, the action of Trix Nelson was enough to bring them together. I find the petition signed by other members of the council than Mr. Bolte and I find, too, that some of the signers got their names down twice. I oppose the petition and I oppose the appointment of the committee. I am one of the men who do not like to hear of the sufferings of a woman and children, but the prisoner should have thought of that before putting the cartridge in the gun and shooting his friend.

Minister Smith said he would like to correct the statement that it was presented, merely because the man was a volunteer. There are other volunteers in jail for whom petitions never have been presented. He believed some recommendation should be made on account of the condition of the man's family.

Mr. Bolte explained that the reason he signed the petition was because he had known the man for many years as a reliable good man. When he signed he did so with the remark that there was no chance for the man to get out before Christmas. Secretary Smith said he signed with the same understanding.

Mr. Brown moved that action be deferred.

Minister Smith offered an amendment to the effect that for the sake of the woman and children the petition be referred to a committee. Carried. Messrs. Brown, Kane and Phillips appointed to investigate and report at the next meeting.

Minister Cooper then stated the prime object of the meeting; that of a pardon to Liluokalani.

He related the circumstances of the arrest and imprisonment and the subsequent parole. He wished to say that it was the unanimous recommendation of the Executive.

Minister Damon said it was with a great deal of pleasure that he joined in the recommendation as it was the unanimous opinion of the Executive that the pardon to the former queen of the islands be made full and absolute and she be restored to her rights of citizenship. The past was in history and the unpleasant features would soon be forgotten in the new era which is dawning upon us. Every feature of the case had been considered and it was his belief that the action of the Executive was the proper one. He repeated that it was a pleasure to him to endorse the recommendation.

Mr. Brown moved that the recommendation of the Executive be endorsed by the Council. This motion was seconded by Mr. Ena and it was carried unanimously. Adjourned.

SPAIN MAY GIVE UP CUBA AFTER MARCH.

Everything Depends on Election of McKinley.

AUTHOR HARVEY IN DISGRACE

Insults Old Soldiers in Iowa—Bryan's Champion Falls Down—Candidate Watson Still Active—Will Not Withdraw—Japan Repairing Damage From Late Floods, Etc.

CADIZ (Spain), Oct. 14.—"If Spain has not put down the insurrection in Cuba by the first of next March it is the intention of the Government to give up the struggle and let the island go." The significance of this statement, coming directly from an official of rank in the Spanish army within this week, certainly will be regarded as of no little importance. It implies the admission of the election of McKinley, as the informant goes on to say that only action adverse to Spain is expected from the new Administration. This view of the situation outlines clearly the policy of the Spanish Government, and tends to show that it is massing troops in Cuba with the determination of making one desperate effort to crush completely the Cuban forces.

My information also implies the admission on the part of the Spanish Government that if it is unable to defeat the rebels during the coming dry season with the great force at its command in Cuba at present, with the Administration in the United States friendly to Spain, it cannot hope to continue the contest successfully after McKinley's inauguration on March 4, 1897.

I cannot give the name of the Spanish officer or that of my informant, I am pledged on behalf of the Herald not to do so, but can vouch absolutely for the fact that the statement referred to comes from the source claimed.

Still further, I am credibly informed that the above determination is an open secret among those who are close to the Government, and that a policy is being adopted of exaggerating the magnitude of the trouble in the Philippines, with a view to preparing the people for the ultimate design of letting Cuba go.

By way of further corroboration of this estimate of the situation it may be remarked that while Spain is sending more than 200,000 troops to Cuba, who in the main are very young and undisciplined, she is carefully keeping 80,000 well disciplined, efficient soldiers who may be available in case of an outbreak at home. She is also keeping in Spanish waters twelve war ships which are ready for sea, which could be of great service in Cuban waters in aiding the United States in police work which she now calmly asks that country to do for her.

If my informant here is not mistaken, Spain is not alone watching the outcome of the election on November 24. The Cuban leaders, too, are waiting the turn of events. If McKinley is elected, as they believe, they will play a waiting game and avoid serious conflicts as far as possible until McKinley takes his seat in the Presidential chair on March 4 next. Their ability to break through the trocha is denied by well-informed Spanish officers, but that may be proved later.

WATSON WON'T WITHDRAW.

Said to Have Written Letter Accepting Nomination.

NEW YORK, Oct. 5.—The World's Atlanta, Ga., special says: Tom Watson tonight dictated a letter accepting the Populist nomination for Vice-President. It is addressed to Chairman Butler, and is a vigorous, decisive document. Mr. Watson will revise the letter and make it public probably on Wednesday. In his letter of acceptance the Populist leader calls attention to the almost forgotten fact that during the St. Louis convention a caucus of "middle of the road" Populists, representing twenty-one States, was held. At this caucus the delegates agreed to nominate Borton of Illinois for President and Birkett of Mississippi for Vice-President. That ticket would

have made Bryan's defeat absolutely certain, but when Watson telegraphed a message saying that he was willing to accept second place on the ticket with Bryan, the "middle of the road" men, believing the Democratic managers would support an arrangement in good faith, withdrew their opposition to Bryan.

Watson's letter is principally devoted to a demonstration along the line that the Populist candidate for Vice-President deserves the support of all who favor Bryan's election.

Watson received the following letter today in the noon mail:

LOS ANGELES, Sept. 28, 1896.—Mr. Watson: We see by the morning papers that you have received our warning, and we repeat that if you do not resign the nomination by the 15th of October two of us will be selected to start on your trail and will take the first opportunity to remove your carcass from the face of the earth. Our matchless statesman, Bryan, can win hands down with you out of the way. But we have read extracts from some of your vile speeches in Congress against him and would rather vote for Palmer than give such disreputable men as you are a chance to become President of our glorious country. This will be your last warning.

By order of committee of local Democrats. When you get off stay in the middle of the road and keep away from our party.

HARVEY CALLED DOWN.

Silver Author Gets Himself Into Trouble.

CHICAGO, Oct. 7.—A special to the Journal from Clinton, Ia., says: W. H. Harvey, author of "Coin," narrowly escaped being assaulted at a meeting here when he spoke on free silver, but turned to attack Generals Sickles, Alger, Howard and the others in the celebrated party of veterans who are now traveling through Iowa and Illinois.

He referred to the generals as "old wrecks of the Rebellion, who have lost their honor and patriotism, and are tools of political hyacks." His words were greeted by a storm of hisses and cries of "Shame, shame," which rendered it impossible for him to make himself heard. He tried to continue, but gave it up as the storm dominated.

A large number of Grand Army men were in the hall and took Harvey's words almost as a personal affront. There were loud yells of "Throw him out," "Drag him off the platform" and "Put him in the street." Grizzled veterans leaped from their seats on all sides and started into the aisles, shaking their fists and yelling threats. The cooler heads interfered, however, and restrained the old soldiers. The majority of them, instead of returning to their seats, left the hall in a body. They were joined in their exodus by many of the audience.

JAPAN REPAIRING DAMAGES.

Typhoons and Earthquakes Cost no Little Money.

TACOMA, Wash., Oct. 11.—The Northern Pacific steamer Tacoma brought the following Oriental advices: The Osaka City Council has decided to defray from the city funds the cost of repairs rendered necessary by the typhoons in July and August, but the cost of repairing the ravages by the recent floods, estimated at 500,000 yen, is to be raised by issuing city bonds to that amount. Other cities will issue bonds for the same purpose.

The Emperor and Empress of Japan have made contributions amounting to 35,000 yen to relieve the sufferers by the recent floods in eight districts. The dredging of Yokohama harbor, which has been started, will occupy four years. The area to be dredged is one square mile, and it is to be deepened to from 24 to 30 feet depth at low water.

There are 2,396 houses still submerged in Tokio, in addition to the flooding of Honjo, a suburb. Communication with those parts is being carried on by boat. The neighborhood presents the appearance of an immense lake, the height of water being five feet.

Among the passengers by the steamer Tokio Maru, which arrived at Nagasaki on September 16th from Vladivostok, were the officers and crew of the Norwegian steamship Hovding, which went ashore on the Siberian coast on July 14th last. The captain remains at Vladivostok pending negotiations for the sale of the wreck.

CLEVELAND WILL NOT VOTE.

He Will be Satisfied if McKinley is Elected.

NEW YORK, Oct. 14.—A Times dispatch from Washington says: A distinguished official of the Government, after coming from a long talk with President Cleveland today, was

Highest of all in Leavening Power.—Latest U. S. Gov't Report

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